

MICHAEL N. FEUER, City Attorney - SBN 111529
THOMAS H. PETERS, Chief Assistant City Attorney – SBN 163388
CORY M. BRENTE, Assistant City Attorney – SBN 115453
DENISE C. ZIMMERMAN, Deputy City Attorney - SBN 191992
denise.zimmerman@lacity.org
200 North Main Street, 6th Floor, City Hall East
Los Angeles, California 90012
Phone No.: (213) 978-7032
Fax No.: (213) 978-8785

Attorneys for Defendants **CITY OF LOS ANGELES, RICARDO HUERTA,
RUDOLPH RIVERA, and ALDO QUINTERO**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RUFINA MOLINA, ESTATE OF LUIS
MARTINEZ, by and through successor in
Interest, RUFINA MOLINA,

Plaintiff,

vs.

CITY OF LOS ANGELES; RICARDO
HUERTA, RUDOLPH RIVERA, ALDO
QUINTERO, and DOES 1 through 10,
Inclusive,

Defendants.

CASE NO.

(LASC Case No. BC 603050)

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §§ 1441
(a) and 1446 (a); DECLARATION
OF DENISE C. ZIMMERMAN;
AND SUPPORTING EXHIBITS**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants **CITY OF LOS ANGELES,
RICARDO HUERTA, RUDOLPH RIVERA, and ALDO QUINTERO**
("CITY DEFENDANTS") hereby remove this action from the Superior Court for
the State of California, County of Los Angeles to the United States District Court

1 or the Central District of California. The removal is made pursuant to 28 U.S.C. §
2 1446(a), on the facts set forth below:

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4 1. The CITY DEFENDANTS are named defendants in this civil action
5 filed in the Superior Court of the State of California, County of Los Angeles
6 entitled *Rufina Molina, etc., et al. v. City of Los Angeles, et al.*, Superior Court
7 Case No. BC603050. Plaintiffs filed their Complaint on December 4, 2015. The
8 following are true and correct copies of the State Court documents in the above
9 action with referenced exhibit numbers: Plaintiffs' Complaint (Exhibit 1);
10 Summons (Exhibit 2); Civil Case Cover Sheet (Exhibit 3); Civil Case Cover Sheet
11 Addendum and Statement of Location (Exhibit 4); Notice of Case Assignment –
12 Unlimited Civil Case (Exhibit 5); Notice of Related Case (Exhibit 6); Notice of
13 Case Management Conference (Exhibit 7); Notice of Related Case (Exhibit 8);
14 Proof of Service – City of Los Angeles (Exhibit 9); Proof of Service – Ricardo
15 Huerta (Exhibit 10); Proof of Service – Rudolph Rivera (Exhibit 11); and Proof of
16 Service – Aldo Quintero (Exhibit 12).

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18 2. This action meets the original jurisdiction requirements of 28 USC §
19 1441(a) and is removable by City Defendants pursuant to 28 USC § 1446(a). A
20 case is removable from state to federal court if the action could have been
21 originally commenced in federal court. 28 USC § 1441(a); *Grubbs v. General*
22 *Electric Credit Corp.*, 405 US 699, 702 (1972). The propriety of removal is
23 determined at the time the petition for removal is filed by reference to the
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1 plaintiff's complaint filed in state court. *La Chemise Lacoste v. Alligator Co.*, 506
2 F.2d 339, 343-44 (3d Cir. 1974). When the complaint states a claim invoking the
3 original jurisdiction of the federal court, the action is removable. *Id.* Under the
4 Judicial Code, federal district courts have original jurisdiction in the district courts
5 over all actions brought under 42 USC § 1983. *See* 28 USC § 1343(a)(3).
6 Moreover, the Code confers original jurisdiction in the district courts over all
7 actions involving federal questions. *See* 28 USC § 1331.
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10 3. The gravamen of this action is the federal civil rights claim set forth in
11 the first and second causes of action of Plaintiffs' Complaint.
12

13 4. There are no State law claims asserted in Plaintiffs' Complaint. When
14 an action originally filed in state court is removed to federal court, the federal
15 tribunal has jurisdiction to determine not only the federal claims but all pendent
16 state claims "that are so related to claims in the action . . . that they form part of
17 the same case or controversy..." *See* 28 USC § 1367. Since Plaintiffs have not pled
18 any state claims in this matter it is a matter of law that the federal tribunal has sole
19 jurisdiction.
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22 5. Defendants the CITY DEFENDANTS were served with Plaintiffs'
23 Complaint on January 26, 2016, and consent to this removal. (See Declaration of
24 Denise C. Zimmerman)
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26 6. Further, other than those persons identified above and the persons
27 identified in the caption as "DOES 1 through 10" there are no other named
28

1 defendants in this lawsuit. Therefore, there are no other defendants who need to
2 consent in order for this case to be removed. (See Declaration of Denise C.
3 Zimmerman).

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5 7. The Notice of Removal is filed with this Court within 30 days after
6 the CITY DEFENDANT were served with the Complaint on January 26, 2016.
7 (See Declaration of Denise C. Zimmerman).

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9 8. The Notice of Removal is being filed in this Court and in the Superior
10 Court of the State of California, County of Los Angeles.

11 WHEREFORE, the above-entitled action, now pending in the Superior
12 Court of the State of California, County of Los Angeles, is removed to the United
13 States District Court for the Central District of California.
14

15
16 DATED: February 25, 2016

17 **MICHAEL N. FEUER**, City Attorney
18 **THOMAS H. PETERS** Chief Deputy City Attorney
19 **CORY M. BRENT**, Supervising Asst City Attorney

20 By 

21 **DENISE C. ZIMMERMAN**
22 Deputy City Attorney

23 Attorney for Defendants CITY OF LOS ANGELES,
24 RICARDO HUERTA, RUDOLPH RIVERA, and ALDO
25 QUINTERO
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DECLARATION OF DENISE C. ZIMMERMAN

I, DENISE C. ZIMMERMAN, do hereby declare that I have personal knowledge of the facts set forth herein and that if called as a witness in this case, I could and would competently testify as follows:

1. I am a Deputy City Attorney for the City of Los Angeles. In that capacity, I have been assigned to assist in representing Defendants CITY OF LOS ANGELES, RICARDO HUERTA, RUDOLPH RIVERA, and ALDO QUINTERO ("CITY DEFENDANT"), in the case of *Rufina Molina, etc., et al. v. City of Los Angeles, et al.*, Superior Court Case No. BC 603050, now pending in the Los Angeles Superior Court.

2. The following are true and correct copies of the State Court documents in the above action with referenced exhibit numbers: Plaintiffs' Complaint (Exhibit 1); Summons (Exhibit 2); Civil Case Cover Sheet (Exhibit 3); Civil Case Cover Sheet Addendum and Statement of Location (Exhibit 4); Notice of Case Assignment – Unlimited Civil Case (Exhibit 5); Notice of Related Case (Exhibit 6); Notice of Case Management Conference (Exhibit 7); Notice of Related Case (Exhibit 8); Proof of Service – City of Los Angeles (Exhibit 9); Proof of Service – Ricardo Huerta (Exhibit 10); Proof of Service – Rudolph Rivera (Exhibit 11); and Proof of Service – Aldo Quintero (Exhibit 12).

1
2 3. CITY DEFENDANTS were served with Plaintiffs' Complaint on
3 January 26, 2016, and consent to this removal. Attached hereto as Exhibits 13
4 through 16 are true and correct copies of the Summons served on Defendants
5 CITY OF LOS ANGELES, RICARDO HUERTA, RUDOLPH RIVERA, and
6 ALDO QUINTERO, respectively.
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8
9 4. Further, other than those persons identified above and the persons
10 identified in the caption as "DOES 1 through 10" there are no other named
11 defendants in this lawsuit. Therefore, there are no other defendants who need to
12 consent in order for this case to be removed.
13

14 5. The Notice of Removal is filed with this Court within 30 days CITY
15 DEFENDANTS were served with Plaintiff's Complaint on January 26, 2016.
16

17 6. This Notice of Removal is being filed in this Court and in the Los
18 Angeles Superior Court.

19 I declare under penalty of perjury pursuant to the laws of the United States
20 of America that the foregoing is true and correct.
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22 Executed on February 25, 2016, at Los Angeles, California.
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26 DENISE C. ZIMMERMAN, Declarant
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PROOF OF SERVICE

I, MARGARIT AVESYAN, the undersigned, declare as follows:

At the time of service I was over 18 years of age and not a party to this action. My business address is 200 N. Main Street, 600 City Hall East, Los Angeles, CA 90012, which is the County, City and State where this mailing occurred.

On February 25, 2016, I served the document(s) described as:

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. SECTIONS
1441(a) and 1446(a); DECLARATION OF DENISE C. ZIMMERMAN; AND
SUPPORTING EXHIBITS**

on all interested parties in this action:

Attorneys for Plaintiff:

Arnoldo Casillas, Esq.
CASILLAS & ASSOCIATES
3500 W. Beverly Boulevard
Montebello, CA 90640
(323) 725-0917 & (323)725-0350 Fax

I served a true copy of the document(s) above by:

☒ Depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the address(es) above.

☒ I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

☒ I hereby certify under the penalty of perjury that the foregoing is true and correct.

Executed on February 25, 2016 at Los Angeles, California


MARGARIT AVESYAN